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# University of Dayton, Ohio (url: <http://www.udayton.edu/index.php>)



## Dead Laws for Dead Men

**02.16.2008 | Culture and Society, President** After a dozen miners died last month in West Virginia's Sago Mine, an expert on coal mine legislation predicts that Congress will pass a coal mine safety bill, but that conditions in mines won't change drastically.

"No reasonable person will think these laws will change anything in the mining industry. If you look at newspaper headlines after the 1968 Farmington, W.Va., disaster in which 79 miners died, you'd see the same outpouring of sympathy from the public and legitimately concerned politicians who wanted to affect change. Unfortunately, the resultant laws have allowed mine operators to

consistently appeal the fines and get them down to almost nothing," said Daniel J. Curran, president of the University of Dayton.

How does a college president know so much about the politics of mine safety legislation? In 1993, he wrote *Dead Laws for Dead Men: The Politics of Federal Coal Mine Health and Safety Legislation* (University of Pittsburgh Press), a book analyzing laws and enforcement.

As a sociologist, Curran toured mines, interviewed miners and United Mine Workers of America officials, and reviewed mine safety legislation from the late 1800s to the 1980s to determine whether the laws have succeeded in improving conditions. The book began as his 1979 dissertation topic at the University of Delaware, then was expanded to cover the deregulation era during the Ronald Reagan administration.

"The only time people look at the laws is when there's a demonstration or an accident," he noted. "There have been some significant advances in decreasing black-lung disease, but the laws have done little to improve safety in underground mines. The overall improvement in the rates of fatalities and injuries in coal mining has resulted from the shift from underground mining to surface mining."

In the 208-page book, he's even more blunt: "In sum, because of ineffective legislation resulting from industry's, government's and even the coal union's concern with production and profits, more than 110,000 miners have lost their lives since 1900. ... Coal mining safety ... is one area in which the nation's performance has been nothing less than shameful, but many still fail to see this through the smoke screen of legislative acts. The harsh reality of the coalfields still lies hidden and will remain so, until another crisis occurs that will force the issue to the forefront. In light of the historical evidence, it is not unreasonable to conclude that, when the day comes, we shall likely see just another dead law for dead miners and, sadly, little real change."

Does he still believe that assessment? Pointing to a recent USA Today story detailing that coal companies pay some of the smallest fines of any industry for federal violations, he said, "It's a steady pattern. Negotiating the fines is just a part of doing business. The laws are not being implemented and enforced to their fullest extent."

When 13 Alabama miners died in 2001, the mine operator was fined \$435,000, which was cut by a judge to \$3,000, according to the USA Today report.

Unless the federal government puts more teeth into legislation and continues to shine the spotlight on coal mine safety issues, the number of accidents will climb, Curran predicted.

"The Sago accident occurred because there's more demand for coal right now," he said. "As people start to look at alternative sources for fuel, more underground mining will occur -- and the likelihood of accidents will increase."

The National Mining Association projects a need for 50,000 new coal miners to meet increasing demand and to replace retiring miners over the next decade. The U.S. reportedly sits on the world's largest coal reserves, and higher oil and natural gas prices are expected to boost coal consumption, according to analysts.

Contact Teri Rizvi at (937) 229-3241 or [rizvi@udayton.edu](mailto:rizvi@udayton.edu).